

61.592 Retirement of persons working in hazardous positions.

- (1) (a) "Hazardous position" means:
 1. Any position whose principal duties involve active law enforcement, including the positions of probation and parole officer and Commonwealth detective, active fire suppression or prevention, or other positions, including, but not limited to, pilots of the Transportation Cabinet and paramedics and emergency medical technicians, with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning; and
 2. Positions in the Department of Corrections in state correctional institutions and the Kentucky Correctional Psychiatric Center with duties that regularly and routinely require face-to-face contact with inmates.
- (b) The effective date of participation under hazardous duty coverage for positions in the Office of Alcoholic Beverage Control shall be April 1, 1998. The employer and employee contributions shall be paid by the employer and forwarded to the retirement system for the period not previously reported.
- (2) Each employer may request of the board hazardous duty coverage for those positions as defined in subsection (1) of this section, but a county, narrowly defined as one (1) of Kentucky's one hundred and twenty (120) counties, the provisions of KRS 78.510(3) notwithstanding, shall request hazardous duty coverage for its full-time paid firefighters. Upon request, each employer shall certify to the system, in the manner prescribed by the board, the names of all employees working in a hazardous position as defined in subsection (1) of this section for which coverage is requested. The certification of the employer shall bear the approval of the agent or agency responsible for the budget of the department or county indicating that the required employer contributions have been provided for in the budget of the employing department or county. The system shall determine whether the employees whose names have been certified by the employer are working in positions meeting the definition of a hazardous position as provided by subsection (1) of this section.
- (3) (a) An employee participating in the Kentucky Employees Retirement System who is determined by the system to be working in a hazardous position in accordance with subsection (2) of this section shall contribute, for each pay period for which he receives compensation, eight percent (8%) of his creditable compensation. An employee participating in the County Employees Retirement System who is determined by the system to be working in a hazardous duty position in accordance with subsection (2) of this section shall contribute, for each pay period for which he receives compensation, eight percent (8%) of his creditable compensation;
- (b) Each employer shall pay employer contributions based on the creditable compensation of the employees determined by the system to be working in a hazardous position at the employer contribution rate as determined by the

board. The rate shall be determined by actuarial methods consistent with the provisions of KRS 61.565;

- (c) If the employer participated in the system prior to electing hazardous duty coverage, the employer may pay to the system the cost of converting the nonhazardous service to hazardous service from the date of participation to the date the payment is made, or the employer may establish a payment schedule for payment of the cost of the hazardous service above that which would be funded within the existing employer contribution rate. The employer may extend the payment schedule to a maximum of thirty (30) years. Payments made by the employer under this subsection shall be deposited to the retirement allowance account of the proper retirement system and these funds shall not be considered accumulated contributions of the individual members. If the employer elects not to make the additional payment, the employee may make the lump-sum payment in his own behalf or may pay by increments. Payments made by the employee under this subsection shall not be picked up, as described in KRS 61.560(4), by the employer. If neither the employer nor employee makes the payment, the service prior to hazardous coverage shall remain nonhazardous.
- (4) The normal retirement age, retirement allowance, other benefits, eligibility requirements, rights, and responsibilities of a member in a hazardous position, as prescribed by subsections (1), (2), and (3) of this section, and the responsibilities, rights, and requirements of his employer shall be as prescribed for a member and employer participating in the State Police Retirement System as provided for by KRS 16.510 to 16.652.
- (5) Any person employed in a hazardous position after July 1, 1972, shall be required to undergo a thorough medical examination by a licensed physician, and a copy of the medical report of the physician shall be retained on file by the employee's department or county and made available to the system upon request.
- (6) If doubt exists regarding the benefits payable to a hazardous position employee under this section, the board shall determine the benefits payable under KRS 61.515 to 61.705, or 78.520 to 78.852, or 16.510 to 16.652.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 210, sec. 3, effective July 14, 2000; ch. 385, sec. 17, effective July 14, 2000; and ch. 462, sec. 1, effective April 21, 2000. -- Amended 1998 Ky. Acts ch. 300, sec. 1, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 185, sec. 1, effective July 15, 1994; and ch. 485, sec. 15, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 211, sec. 12, effective July 14, 1992; and ch. 240, sec. 28, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 255, sec. 1, effective July 13, 1990; ch. 346, secs. 1 and 8, effective July 13, 1990; and ch. 460, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 90, sec. 14, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 232, sec. 5, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 211, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 186, sec. 9, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 384, sec. 16, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 321, secs. 21 and 40. -- Amended 1974 Ky. Acts ch. 128, sec. 19. -- Created 1972 Ky. Acts ch. 107, sec. 1.

Legislative Research Commission Note (7/14/2000). This section was amended by 2000 Ky. Acts chs. 210, 385, and 462, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.